

REMARKS

Applicants have amended Claim 1. Currently pending therefore in the present application are Claims 1-2.

The Examiner has rejected Claims 1-2 under 35 USC § 103(a) as being unpatentable over the prior art disclosed on page 1, lines 7-20, of the Specification ("the Described Prior Art") in view of US Patent No. 5,393,270 ("Grobbelaar"). Reconsideration and withdrawal of this rejection is respectfully requested.

Claim 1, as amended, calls for a miter saw comprising a base assembly, a rotatable table rotatably connected to the base assembly and having a plane, a saw assembly including a motor, and a blade disposed on an arbor, the arbor having a first portion carrying the blade, a second portion disposed away from the blade, and a first gear disposed on the second portion, an intermediate gear meshing with the first gear, and a second gear driven by the motor and meshing with the intermediate gear, wherein the intermediate gear is always meshing with the first and second gears, and a pivot arm pivotally attached to the table and supporting the saw assembly, the pivot arm and saw assembly being pivotable about a horizontal bevel axis from a first position where the blade is substantially perpendicular to the table to a second position where the blade is disposed at an angle relative to the table, the angle between the blade and the table being about 45 degrees, wherein a distance between the second portion and at least one of the base

UTILITY PATENT

B&D No. TN -1488

assembly and the table is smaller than a distance between the first portion and the at least one of the base assembly and the table when the saw assembly is in the second position.

The Described Prior Art discloses all elements called for in Claim 1 except for: (a) the intermediate gear, which meshes with the first and second gears; and (b) the distance between a second portion of the arbor (carrying the first gear) and the rotatable table and/or base assembly is smaller than the distance between the first portion of the arbor (carrying the blade) and the rotatable table and/or base assembly, when the saw assembly is beveled. As to the first difference, rather than restate the arguments presented before, Applicants refer the Examiner to Applicants' previous filings.

As to the second difference, when the miter saw of the Described Prior Art is beveled, it bevels in a counter-clockwise direction (or leftwardly), so that upper blade guard 4 is closer sliding fence assembly 8, 9, referring to FIG. 1 of the present specification. In such situation, the distance between a second portion of the arbor (carrying the first gear) and the rotatable table and/or base assembly is larger than the distance between the first portion of the arbor (carrying the blade) and the rotatable table and/or base assembly. Accordingly, the Described Prior Art teaches beveling the saw assembly away from the side having the arbor's second portion in order to obtain a cutting angle of about 45°. This is because, where the saw assembly pivoted rightwardly (or towards the side having the arbor's second portion), the motor housing MH would contact fence 7, the base assembly 5 and/or table 6 before the saw assembly reaches a cutting angle of about 45°.

UTILITY PATENT

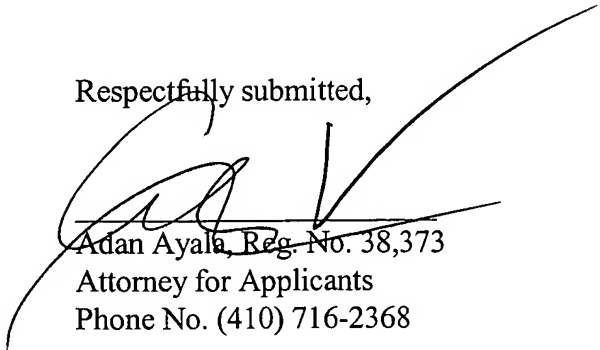
B&D No. TN -1488

By contradistinction, Claim 1 requires that the “a distance between the [arbor’s] second portion [which carries the first gear] and at least one of the base assembly and the table is smaller than a distance between the [arbor’s] first portion [which carries the blade] and the at least one of the base assembly and the table when the saw assembly is in the second [beveled] position.” In other words, Claim 1 requires that the saw assembly be beveled towards the side having the arbor’s second portion. Such arrangement is not shown by the Described Prior Art.

Furthermore, Grobbelar does not teach or suggest such arrangement as it does not disclose a beveling miter saw. Similarly, US Patent Nos. 5,259,870 (“Fiala”) and 4,433,589 (“Chaconas”) cannot teach or suggest such arrangement as they do not disclose a beveling miter saw. Because these references teach or suggest modifying the Described Prior Art to obtain such advantageous arrangement, they cannot render Claims 1-2 unpatentable.

In view of the foregoing, all the claims are patentable and the application is believed to be in condition for formal allowance.

Respectfully submitted,



Adan Ayala, Reg. No. 38,373
Attorney for Applicants
Phone No. (410) 716-2368